

PART I
SECTION I – CONTRACT CLAUSES

52.252-2 CLAUSES INCORPORATED BY REFERENCE. (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at these address(es):

Federal Acquisition Regulations	www.arnet.gov
Department of Energy Acquisition Regulations	www.pr.doe.gov/dear.html

The following FAR Clauses are incorporated by reference

- I.1 52.202-1 DEFINITIONS. (DEC 2001)**
- I.2 52.203-3 GRATUITIES. (APR 1984)**
- I.3 52.203-5 COVENANT AGAINST CONTINGENT FEES. (APR 1984)**
- I.4 52.203-6 RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT. (JUL 1995)**
- I.5 52.203-7 ANTI-KICKBACK PROCEDURES. (JUL 1995)**
- I.6 52.203-8 CANCELLATION, RECISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY. (JAN 1997)**
- I.7 52.203-10 PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY. (JAN 1997)**
- I.8 52.203-12 LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS. (JUN 1997)**
- I.9 52.204-4 PRINTED OR COPIED DOUBLE-SIDED ON RECYCLED PAPER. (AUG 2000)**

- I.10 52.209-6 PROTECTING THE GOVERNMENTS INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT. (JUL 1995)**
- I.11 52.215-2 AUDIT AND RECORDS - NEGOTIATION. (JUN 1999)**
- I.12 52.215-8 ORDER OF PRECEDENCE--UNIFORM CONTRACT FORMAT. (OCT 1997)**
- I.13 52.215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA. (OCT 1997)**
- I.14 52.215-11 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA-MODIFICATIONS. (OCT 1997)**
- I.15 52.215-12 SUBCONTRACTOR COST OR PRICING DATA. (OCT 1997)**
- I.16 52.215-13 SUBCONTRACTOR COST OR PRICING DATA-MODIFICATIONS. (OCT 1997)**
- I.17 52.215-15 PENSION ADJUSTMENTS AND ASSET REVERSIONS. (DEC 1998)**
- I.18 52.215-17 WAIVER OF FACILITIES CAPITAL COST OF MONEY. (OCT 1997)**
- I.19 52.215-18 REVERSION OR ADJUSTMENT OF PLANS FOR POSTRETIREMENT BENEFITS (PRB) OTHER THAN PENSIONS. (OCT 1997)**
- I.20 52.215-19 NOTIFICATION OF OWNERSHIP CHANGES. (OCT 1997)**
- I.21 52.215-21 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA--MODIFICATIONS. (OCT 1997) AND ALTERNATE III. (OCT 1997)**
- I.22 52.216-7 ALLOWABLE COST AND PAYMENT. (FEB 2002)**
- I.23 52.216-10 INCENTIVE FEE. (MAR 1997)**
- I.24 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS. (OCT 2000)**
- I.25 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN. (JAN 2002) AND ALTERNATE II (OCT 2001)**
- I.26 52.219-10 INCENTIVE SUBCONTRACTING PLAN. (OCT 2001)**

- I.27 52.219-16 LIQUIDATED DAMAGES - SUBCONTRACTING PLAN. (JAN 1999)**
- I.28 52.219-25 SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM - DISADVANTAGED STATUS AND REPORTING. (OCT 1999)**
- I.29 52.219-26 SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM INCENTIVE SUBCONTRACTING. (OCT 2000)**
- I.30 52.222-1 NOTICE TO THE GOVERNMENT OF LABOR DISPUTES. (FEB 1997)**
- I.31 52.222-3 CONVICT LABOR. (AUG 1996)**
- I.32 52.222-4 CONTRACT WORK HOURS AND SAFETY STANDARDS ACT - OVERTIME COMPENSATION. (SEP 2000)**
- I.33 52.222-6 DAVIS-BACON ACT. (FEB 1995)**
- I.34 52.222-7 WITHHOLDING OF FUNDS. (FEB 1988)**
- I.35 52.222-8 PAYROLLS AND BASIC RECORDS. (FEB 1988)**
- I.36 52.222-9 APPRENTICES AND TRAINEES. (FEB 1988)**
- I.37 52.222-10 COMPLIANCE WITH COPELAND ACT REQUIREMENTS. (FEB 1988)**
- I.38 52.222-11 SUBCONTRACTS (LABOR STANDARDS). (FEB 1988)**
- I.39 52.222-12 CONTRACT TERMINATION - DEBARMENT. (FEB 1988)**
- I.40 52.222-13 COMPLIANCE WITH DAVIS-BACON AND RELATED ACT REGULATIONS. (FEB 1988)**
- I.41 52.222-14 DISPUTES CONCERNING LABOR STANDARDS. (FEB 1988)**
- I.42 52.222-15 CERTIFICATION OF ELIGIBILITY. (FEB 1988)**
- I.43 52.222-21 PROHIBITION OF SEGREGATED FACILITIES. (FEB 1999)**
- I.44 52.222-26 EQUAL OPPORTUNITY. (APR 2002)**

- I.45 52.222-35 EQUAL OPPORTUNITY FOR SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS. (DEC 2001)**
- I.46 52.222-36 AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES. (JUN 1998)**
- I.47 52.222-37 EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS. (DEC 2001)**
- I.48 52.222-41 SERVICE CONTRACT ACT OF 1965. (MAY 1989)**
- I.49 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES. (MAY 1989)**
- I.50 52.223-3 HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA. (JAN 1997) AND ALTERNATE I (JUL 1995)**
- I.51 52.223-6 DRUG-FREE WORKPLACE. (MAR 2001)**
- I.52 52.223-5 POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION. (APR 1998)**
- I.53 52.223-7 NOTICE OF RADIOACTIVE MATERIALS. (JAN 1997)**
- I.54 52.223-10 WASTE REDUCTION PROGRAM. (AUG 2000)**
- I.55 52.223-11 OZONE-DEPLETING SUBSTANCES. (MAY 2001)**
- I.56 52.223-12 REFRIGERATION EQUIPMENT AND AIR CONDITIONERS. (MAY 1995)**
- I.57 52.223-14 TOXIC CHEMICAL RELEASE REPORTING. (OCT 2000)**
- I.58 52.224-1 PRIVACY ACT NOTIFICATION. (APR 1984)**
- I.59 52.224-2 PRIVACY ACT. (APR 1984)**
- I.60 2.225-13 RESTRICTIONS ON CERTAIN FOREIGN PURCHASES. (JUL 2000)**
- I.61 52.227-23 RIGHTS TO PROPOSAL DATA (TECHNICAL). (JUN 1987)**

- I.62 52.230-2 COST ACCOUNTING STANDARDS. (APR 1998)**
- I.63 52.230-6 ADMINISTRATION OF COST ACCOUNTING STANDARDS. (NOV 1999)**
- I.64 52.232-9 LIMITATION ON WITHHOLDING OF PAYMENTS. (APR 1984)**
- I.65 52.232-17 INTEREST. (JUN 1996)**
- I.66 52.232-18 AVAILABILITY OF FUNDS. (APR 1984)**
- I.67 52.232-23 ASSIGNMENT OF CLAIMS. (JAN 1986)**
- I.68 52.232-25 PROMPT PAYMENT. (FEB 2002)**
- I.69 52.232-34 PAYMENT BY ELECTRONIC FUNDS TRANSFER-OTHER THAN CENTRAL CONTRACTOR REGISTRATION. (MAY 1999)**
- I.70 52.233-1 DISPUTES. (DEC 1998)**
- I.71 52.233-3 PROTEST AFTER AWARD. (AUG 1996) AND ALTERNATE I (JUN 1985)**
- I.72 52.237-2 PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION. (APR 1984)**
- I.73 52.237-3 CONTINUITY OF SERVICES. (JAN 1991)**
- I.74 52.239-1 PRIVACY OR SECURITY SAFEGUARDS. (AUG 1996)**
- I.75 52.242-1 NOTICE OF INTENT TO DISALLOW COSTS. (APR 1984)**
- I.76 52.242-3 PENALTIES FOR UNALLOWABLE COSTS. (MAY 2001)**
- I.77 52.242-4 CERTIFICATION OF FINAL INDIRECT COSTS. (JAN 1997)**
- I.78 52.242-13 BANKRUPTCY. (JUL 1995)**
- I.79 52.243-2 CHANGES – COST REIMBURSEMENT. (AUG 1987) AND ALTERNATE 1 (APR 1984)**
- I.80 52.243-6 CHANGE ORDER ACCOUNTING. (APR 1984)**

- I.81 52.243-7 NOTIFICATION OF CHANGES. (APR 1984)**
- I.82 52.244-2 SUBCONTRACTS. (AUG 1998)**
- I.83 52.244-5 COMPETITION IN SUBCONTRACTING. (DEC 1996)**
- I.84 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS. (MAY 2002)**
- I.85 52.245-5 GOVERNMENT PROPERTY (COST-REIMBURSEMENT, TIME-AND-MATERIAL, OR LABOR-HOUR CONTRACTS). (JAN 1986)**
- I.86 52.245-19 GOVERNMENT PROPERTY FURNISHED "AS IS." (APR 1984)**
- I.87 52.246-25 LIMITATION OF LIABILITY--SERVICES. (FEB 1997)**
- I.88 52.247-1 COMMERCIAL BILL OF LADING NOTATIONS. (APR 1984)**
- I.89 52.247-63 PREFERENCE FOR U.S.-FLAG AIR CARRIERS. (JAN 1997)**
- I.90 52.247-64 PREFERENCE FOR PRIVATELY OWNED U.S. – FLAG COMMERCIAL VESSELS. (JUN 2000)**
- I.91 52.249-6 TERMINATION (COST-REIMBURSEMENT). (SEP 1996)**
- I.92 52.249-14 EXCUSABLE DELAYS. (APR 1984)**
- I.93 52.251-1 GOVERNMENT SUPPLY SOURCES. (APR 1984)**
- I.94 52.251-2 INTERAGENCY FLEET MANAGEMENT SYSTEM VEHICLES AND RELATED SERVICES. (JAN 1991)**
- I.95 52.252-2 CLAUSES INCORPORATED BY REFERENCE. (FEB 1998)**
- I.96 52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES. (APR 1984)**
- I.97 52.253-1 COMPUTER GENERATED FORMS. (JAN 1991)**

The following DEAR Clauses are incorporated by reference

- I.98 952.202-1 DEFINITIONS. (JAN 1997)**
- I.99 952.203-70 WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES. (DEC 2000)**

- I.100 952.204-2 SECURITY. (SEP 1997)**
- I.101 952.204-70 CLASSIFICATION/DECLASSIFICATION. (SEP 1997)**
- I.102 952.204-71 SENSITIVE FOREIGN NATIONS CONTROLS. (APR 1994)**
- I.103 952.204-74 FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OVER CONTRACTOR. (APR 1984)**
- I.104 952.204-75 PUBLIC AFFAIRS. (DEC 2000)**
- I.105 952.208-7 TAGGING OF LEASED VEHICLES. (APR 1984)**
- I.106 952.208-70 PRINTING. (APR 1984)**
- I.107 952.209-72 ORGANIZATIONAL CONFLICTS OF INTEREST. (JUN 1997) AND ALTERNATE I. (JUN 1997)**
- I.108 952.215-70 KEY PERSONNEL. (DEC 2000)**
- I.109 952.217-70 ACQUISITION OF REAL PROPERTY. (APR 1984)**
- I.110 952.223-75 PRESERVATION OF INDIVIDUAL OCCUPATIONAL RADIATION EXPOSURE RECORDS. (APR 1984)**
- I.111 952.224-70 PAPERWORK REDUCTION ACT. (APR 1994)**
- I.112 952.226-74 DISPLACED EMPLOYEE HIRING PREFERENCE. (JUN 1997)**
- I.113 952.237-70 COLLECTIVE BARGAINING AGREEMENTS – PROTECTIVE SERVICES. (AUG 1993)**
- I.114 952.245-5 GOVERNMENT PROPERTY (COST-REIMBURSEMENT, TIME-AND-MATERIAL, OR LABOR-HOUR CONTRACTS).**
- I.115 952.247-70 FOREIGN TRAVEL. (DEC 2000)**
- I.116 952.250-70 NUCLEAR HAZARDS INDEMNITY AGREEMENT. (JUN 1996)**
- I.117 952.251-70 CONTRACTOR EMPLOYEE TRAVEL DISCOUNTS. (DEC 2000)**
- I.118 970.5203-3 CONTRACTOR’S ORGANIZATION. (DEC 2000)**

- I.119 970.5204-1 COUNTERINTELLIGENCE. (DEC 2000)**
- I.120 970.5204-2 LAWS, REGULATIONS, AND DOE DIRECTIVES. (DEC 2000)**
- I.121 970.5204-3 ACCESS TO AND OWNERSHIP OF RECORDS. (DEC 2000)**
- I.122 970.5223-1 INTEGRATION OF ENVIRONMENT, SAFETY, AND HEALTH INTO WORK PLANNING AND EXECUTION. (DEC 2000)**
- I.123 970.5223-2 ACQUISITION AND USE OF ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES. (DEC 2000)**
- I.124 970.5223-4 WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES. (DEC 2000)**
- I.125 970.5226-1 DIVERSITY PLAN. (DEC 2000)**
- I.126 970.5226-2 WORKFORCE RESTRUCTURING UNDER SECTION 3161 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993. (DEC 2000)**
- I.127 970.5226-3 COMMUNITY COMMITMENT. (DEC 2000)**
- I.128 970.5227-1 RIGHTS IN DATA FACILITIES. (DEC 2000)**
- I.129 970.5227-4 AUTHORIZATION AND CONSENT. (DEC 2000)**
- I.130 970.5227-5 NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT. (DEC 2000)**
- I.131 970.5227-6 PATENT INDEMNITY SUBCONTRACTS. (DEC 2000)**
- I.132 970.5227-7 ROYALTY INFORMATION. (DEC 2000)**
- I.133 970.5227-8 REFUND OF ROYALTIES. (DEC 2000) (DEVIATION)**
- I.134 970.5227-9 NOTICE OF RIGHT TO REQUEST PATENT WAIVER. (DEC 2000)**
- I.135 970.5227-10 PATENT RIGHTS – MANAGEMENT AND OPERATING CONTRACTS, NON-PROFIT ORGANIZATION OR SMALL BUSINESS FIRM CONTRACTOR (DEC 2000)**

I.136 970.5227-11 PATENT RIGHTS MANAGEMENT AND OPERATING CONTRACTS, FOR -PROFIT CONTRACTOR, NON-TECHNOLOGY TRANSFER. (DEC 2000)

I.137 970.5228-1 INSURANCE-LITIGATION AND CLAIMS. (DEC 2000)

I.138 970.5231-4 PRE-EXISTING CONDITIONS. (DEC 2000) ALTERNATE II (DEC 2000)

I.139 970.5232-3 ACCOUNTS, RECORDS, AND INSPECTION. (DEC 2000)

The following Clauses are incorporated by reference with fill-in. The numbering of these clauses is for consecutive numbering only.

I.140 52.216-10 INCENTIVE FEE. (MAR 1997)

- (e) Fee payable. (1) The fee payable under this contract shall be the target fee increased by 30 cents for every dollar that the total allowable cost is less than the target cost or decreased by 30 cents for every dollar that the total allowable cost exceeds the target cost. In no event shall the fee be greater than **twelve percent (12%)** or less than **two percent (2%)** of the target cost. (2) The fee shall be subject to adjustment, to the extent provided in paragraph (d) of this clause, and within the minimum and maximum fee limitations in paragraph (e)(1) of this clause, when the total allowable cost is increased or decreased as a consequence of-

I.141 52.219-10 INCENTIVE SUBCONTRACTING PLAN. (OCT 2001)

- (b) If the Contractor exceeds its subcontracting goals for small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, and women-owned small business concerns in performing this contract, it will receive 1 percent of the dollars in excess of each goal in the plan, unless the Contracting Officer determines that the excess was not due to the Contractor's efforts (e.g., a subcontractor cost overrun caused the actual subcontract amount to exceed that estimated in the subcontracting plan, or the award of subcontracts that had been planned but had not been disclosed in the subcontracting plan during contract negotiations). Determinations made under this paragraph are unilateral decisions made solely at the discretion of the Government.

I.142 52.219-26 SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM INCENTIVE SUBCONTRACTING. (OCT 2000)

- (b) If the Contractor exceeds its total monetary target for subcontracting to small disadvantaged business concerns in the authorized, NAICS Industry Subsectors, it will receive 1 percent of the dollars in excess of the monetary target, unless the Contracting Officer determines that the excess was not due to the Contractor's

efforts (e.g., a subcontractor cost overrun caused the actual subcontract amount to exceed that estimated in the offer, or the excess was caused by the award of subcontracts that had been planned but had not been disclosed in the offer during contract negotiations). Determinations made under this paragraph are unilateral decisions made solely at the discretion of the Government.

**I.143 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES.
(MAY 1989)**

In compliance with the Service Contract Act of 1965, as amended, and the regulations of the Secretary of Labor (29 CFR Part 4), this clause identifies the classes of service employees expected to be employed under the contract and states the wages and fringe benefits payable to each if they were employed by the contracting agency subject to the provisions of 5 U.S.C. 5341 or 5332.

*This Statement is for Information Only:
It is not a Wage Determination*

EMPLOYEE CLASS	MONETARY WAGE – FRINGE BENEFITS
IGUA Guards	11.63
Boiler Operator Helper	15.19
Carpenter	18.05
Carpenter, Apprentice	15.19
Chemical Operator	18.05
Electrician	18.05
Electrician, Apprentice	15.19
Hazwat	16.34
Heavy Equipment Operator	18.05
Industrial Vacuum Loader Operator	14.61
Industrial Mechanic	18.05
Instrument Mechanic, Apprentice	15.19
Laborer, General	13.47
Laborer, Transportation	13.47
Laundry Worker	13.47
Locomotive/Switchman	18.05

EMPLOYEE CLASS	MONETARY WAGE – FRINGE BENEFITS
Machinist	18.05
Mason	18.05
Millwright	18.05
Millwright, Apprentice	15.19
Motor Vehicle Operator	16.34
Oiler	14.61
Painter	18.05
Pipefitter	18.05
Pipefitter, Apprentice	15.19
Porter	13.47
Private Motor Carrier Operator	18.05
Professional Warehouse Attendant	14.61
Pump Operator	15.19
QA Checker	16.34
Respirator Wash	14.08
Rigger	18.05
Stationary Engineer	18.05
Waste Water Plant Operator	18.05
Water Plant Operator	18.05
Welder	18.05
Mailroom Supply Specialist	8.51
Word Processing Technician III	10.68
Accounting Technician II	10.68
Information/Records Specialist II	8.51
Information Mgmt. Technician II	10.68
Inventory Supply Specialist	10.68
Medical Assistant	10.68

EMPLOYEE CLASS	MONETARY WAGE – FRINGE BENEFITS
Procurement Technician II	10.68
Secretary III	10.68
Engineer Aide II	10.68
Environmental/Laboratory Technician II	8.51
Information/Records Specialist III	10.68
Lead Mailroom Supply Specialist	13.23
Procurement Technician III	13.23
Sr. Reproduction Equipment Operator	13.23
Quality Verifier II	10.68
Environmental/Lab Technician III	10.68
Health Physics Technician III	10.68
Drafter III	10.68
Radiation Control Technician III	10.68
Sr. Accounting Technician	13.23
Sr. HR/Industrial Relations Specialist	13.23
Engineer Aide III	13.23
Sr. Graphics Artist	13.23
Engineer Technician	13.23
Sr. Drafter	13.23
Sr. Env./Laboratory Technician	13.23
Sr. Executive Secretary	13.23
Sr. Firefighter/Emergency Response Specialist	13.23
Sr. Radiation Control Technician	13.23
Sr. Health Physics Technician	13.23
Sr. Industrial Hygiene Technician	13.23
Sr. Quality Verifier	13.23

I.144 52.223-3 HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA. (JAN 1997)

- (b) The offeror must list any hazardous material, as defined in paragraph (a) of this clause, to be delivered under this contract. The hazardous material shall be properly identified and include any applicable identification number, such as National Stock Number or Special Item Number. This information shall also be included on the Material Safety Data Sheet submitted under this contract.

Material (If none, insert "None")	Identification No.

- (d) In meeting the requirement of 52.223-3 (d) contractor can reference the MCP "Imageware" MSDS database system.

I.145 52.223-7 NOTICE OF RADIOACTIVE MATERIALS. (JAN 1997)

- (a) The Contractor shall notify the Contracting Officer or designee, in writing, **30 days** prior to the delivery of, or prior to completion of any servicing required by this contract of, items containing either (1) radioactive material requiring specific licensing under the regulations issued pursuant to the Atomic Energy Act of 1954, as amended, as set forth in Title 10 of the Code of Federal Regulations, in effect on the date of this contract, or (2) other radioactive material not requiring specific licensing in which the specific activity is greater than 0.002 microcuries per gram or the activity per item equals or exceeds 0.01 microcuries. Such notice shall specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the Contractor which will put users of the items on notice as to the hazards involved (OMB No. 9000-0107).

I.146 52.227-23 RIGHTS TO PROPOSAL DATA (TECHNICAL). (JUN 1987)

Except for data contained on pages **TBD**, it is agreed that as a condition of award of this contract, and notwithstanding the conditions of any notice appearing thereon, the Government shall have unlimited rights (as defined in the "Rights in Data-General" clause contained in this contract) in and to the technical data contained in the proposal dated September 17, 2002, upon which this contract is based.

I.147 52.232-34 PAYMENT BY ELECTRONIC FUNDS TRANSFER-OTHER THAN CENTRAL CONTRACTOR REGISTRATION. (MAY 1999)

- (a) Method of payment. (1) All payments by the Government under this contract shall be made by electronic funds transfer (EFT) except as provided in paragraph (a)(2) of this clause. As used in this clause, the term "EFT" refers to the funds transfer and may also include the payment information transfer. (2) In the event the Government is unable to release one or more payments by EFT, the Contractor agrees to either- (i) Accept payment by check or some other mutually agreeable method of payment; or (ii) Request the Government to extend payment due dates until such time as the Government makes payment by EFT (but see paragraph (d) of this clause). (b) Mandatory submission of Contractor's EFT information. (1) The Contractor is required to provide the Government with the information required to make payment by EFT (see paragraph (j) of this clause). The Contractor shall provide this information directly to the office designated in this contract to receive that information (hereafter: "designated office") by **no later than 15 days prior to submission of the first request for payment**. If not otherwise specified in this contract, the payment office is the designated office for receipt of the Contractor's EFT information. If more than one designated office is named for the contract, the Contractor shall provide a separate notice to each office. In the event that the EFT information changes, the Contractor shall be responsible for providing the updated information to the designated office(s).

I.148 52.244-2 SUBCONTRACTS. (AUG 1998)

- (e) If the Contractor has an approved purchasing system, the Contractor nevertheless shall obtain the Contracting Officer's written consent before placing the following subcontracts: **to be determined by Contracting Officer's letter**.
- (k) Paragraphs (d) and (f) of this clause do not apply to the following subcontracts, which were evaluated during negotiations: **None**.

I.149 52.247-1 COMMERCIAL BILL OF LADING NOTATIONS. (APR 1984)

- (a) If the Government is shown as the consignor or the consignee, the annotation shall be: Transportation is for the **Department of Energy** and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are assignable to, and shall be reimbursed by, the Government.
- (b) If the Government is not shown as the consignor or the consignee, the annotation shall be: Transportation is for the **Department of Energy** and the actual total

transportation charges paid to the carrier(s) by the consignor or consignee shall be reimbursed by the Government, pursuant to cost-reimbursement contract No. **DE-AC24-03OH20152. This may be confirmed by contacting the person listed in Section G of this contract.**

I.150 52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES. (APR 1984)

- (a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the clause.
- (b) The use in this solicitation or contract of any **Department of Energy Acquisition Regulation. (48 CFR 9)** clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

I.151 952.245-5 GOVERNMENT PROPERTY (COST-REIMBURSEMENT, TIME-AND-MATERIAL, OR LABOR-HOUR CONTRACTS)

Modify FAR 52.245-5 by adding "and DOE Acquisition Regulation Subpart 945.5" after the reference to FAR Subpart 45.5 in paragraphs (e)(1) and (e)(2) of the clause.

The following Clause is incorporated in full text. The numbering of this clause is for consecutive numbering only.

I.152 970.5227-8 REFUND OF ROYALTIES. (DEC 2000) DEVIATION

- (a) During performance of this contract, if any royalties are proposed to be charged to the Government as costs under the Contract, the Contractor agrees to submit for approval of the Contracting Officer, prior to the execution of any license, the following information relating to each separate item of royalty:
 - (1) Name and address of licensor;
 - (2) Patent numbers, patent application serial numbers, or other basis on which the royalty is payable;
 - (3) Brief description, including any part or model numbers of each contract item or component on which the royalty is payable;
 - (4) Percentage or dollar rate of royalty per unit;
 - (5) Unit price of contract item;
 - (6) Number of units;

- (7) Total dollar amount of royalties; and
- (8) A copy of the proposed license agreement.
- (b) If specifically requested by the Contracting Officer, the contractor shall furnish a copy of any license agreement entered into prior to the effective date of this clause and an identification of applicable claims of specific patents, or other basis upon which royalties are payable.
- (c) The term "royalties" as used in this clause refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like, for the use of or for rights in patents and patent applications and which are used in the performance of this contract or any subcontract hereunder.
- (d) The Contractor shall furnish to the Contracting Officer, annually upon request, a statement of royalties paid or required to be paid in connection with performing this contract and subcontracts hereunder.
- (e) For royalty payments under license entered into after the effective date of this clause, costs incurred for royalties proposed under this paragraph shall be allowable only to the extent that such royalties are approved by the Contracting Officer. The allowability of royalty payments made under license agreements entered into prior to the effective date of this clause shall be governed by the terms of the Contract then in effect. If the Contractor Officer determines that existing or proposed royalty payments are inappropriate, any payments subsequent to such determination shall be allowable only to the extent approved by the Contracting Officer.
- (f) Regardless of prior DOE approval of any individual payments or royalties, DOE may contest at any time the enforceability, validity, scope of, or title to, a patent for which Contractor makes a royalty or other payment.
- (g) If at any time within 3 years after this contract ends, the contractor for any reason is relieved in whole or in part from the payment of any royalties to which this clause applies, the Contractor shall promptly notify the Contracting Office of that fact and shall promptly reimburse the Government for any refunds received or royalties paid after having received notice of such relief.
- (h) The Contractor agrees to include, and require inclusion of, this clause, including this paragraph (h), suitably modified to identify the parties in any subcontract at any tier in which the amount of royalties reported during negotiation of the subcontract exceeds \$250.